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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/055,845	01/22/2002	Muguo Chen	eVionyx-0013USAAON00	7893
26665 75	90 07/26/2005		EXAMINER	
REVEO, INC.			MAPLES, JOHN S	
3 WESTCHES'	ΓER PLAZA			- 1.
ELMSFORD, NY 10523			ART UNIT	PAPER NUMBER
_			1745	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)				
Office A. 4' O	10/055,845	CHEN, MUGUO				
Office Action Summary	Examiner	Art Unit				
	John S. Maples	1745				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	86(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 05 Ma	ay 2005.					
2a) ☐ This action is FINAL . 2b) ☐ This	action is non-final.					
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
 4) Claim(s) 6-17 ie/are pending in the application. 4a) Of the above claim(s) 10-17 is/are withdraw 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 6-9 are subject to restriction and/or election. 	n from consideration.					
Application Papers	,					
9)☐ The specification is objected to by the Examine	r.					
0) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the	• • • • • • • • • • • • • • • • • • • •	, ,				
Replacement drawing sheet(s) including the correcti 11) The oath or declaration is objected to by the Ex		, ,				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive i (PCT Rule 17.2(a)).	on No ed in this National Stage				
Attachment(s)						
1) Notice of References Cited (PTO-892)	4) Interview Summary					
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da					

Application/Control Number: 10/055,845

Art Unit: 1745

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 6-7, drawn to a first metal air cell, classified in class 429, subclass
 27.
 - II. Claims 8-9, drawn to a second metal air cell, classified in class 429, subclass 72.
- 2. The inventions are distinct, each from the other because of the following reasons: each of these two groups include materially different structures that patentably distinguish the two different groups of invention. For example, Group I includes a tube that contacts the anode on one end and contacts the electrolyte at the other end. The Group II claims do not include such a structure. In addition, the Group II claims include a frame including a plurality of apertures therein, which element does not find part of the Group I claimed invention.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday, 6:15-3:45, every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSM/7-23-2005